

PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, D.C. 20554

DA 04-3015

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WIRELESS TELECOMMUNICATIONS BUREAU GRANTS CONSENT TO ASSIGN MULTIPOINT DISTRIBUTION SERVICE STATION LICENSES

Pursuant to Section 310(d) of the Communications Act, 47 U.S.C. § 310(d), and Section 0.331 of the Commission's rules, 47 C.F.R. § 0.331, the Wireless Telecommunications Bureau (Bureau) approves, subject to the conditions set forth below, the application requesting Commission consent to assign the following licenses:

Digital and Wireless Television, L.L.C. to Fixed Wireless Holdings, LLC: Markets and all associated base stations: BTA409 (B409) – Sault Ste Marie, Michigan, BTA119 (B119) – Duluth, Minnesota, BTA123 (B123) – Eau Claire, Wisconsin, BTA054 (B054) – Brainerd, Minnesota, BTA037 (B037) – Bemidji, Minnesota, BTA207 (B207) – Ironwood, Michigan, BTA282 (B282) – Marquette, Wisconsin, BTA194 (B194) – Houghton, Michigan, BTA206 (B206) – Iron Mountain, Michigan, BTA381 (B381) – Rock Springs, Wyoming, BTA (B375) – Riverton, Wyoming, BTA387 (B387) – Russellville, Arkansas, BTA041 (B041) – Billings, Montana, BTA323, (B323) – Norfolk, Nebraska, BTA325 (B325) – North Platte, Nebraska, BTA014 (B014) – Anchorage, Alaska, File No. 20040729AAA.

The above referenced application is subject to the following conditions: all installment payments must be current on the consummation date.¹ Consent is also conditioned upon full payment of any required unjust enrichment payments on or before the consummation date. See 47 C.F.R. § 1.2111(c) and (d).

We approve the assignment of authorization application because we find it is in the public interest, convenience, and necessity. See 47 U.S.C. § 310(d). By this approval, the parties are authorized to proceed to the final stages of their respective transactions. The parties to this transaction are required to notify the Commission of consummation in writing. Hence, we remind parties that an assignment shall not be considered complete until the underlying transaction closes and all conditions set forth in the grant documents, including this Public Notice and the application, are met. In addition, the approval of this assignment is conditioned upon the execution of all Commission loan documents by the assignor, assignee and the Commission, unless the licenses being assigned have been paid in full.

¹ In order to be current, the installment payment may not be in the first quarter grace period or the second additional quarter grace period. Amendment of Part 1 of the Commission's Rules -- Competitive Bidding Procedures, Order on Reconsideration of the Third Report and Order, Fifth Report and Order, and Fourth Further Notice of Proposed Rulemaking, 15 FCC Rcd. 21520 (2000). In addition, there must be no outstanding fees, including late fees, due to the Commission.

Furthermore, unless the licenses being assigned have been paid in full, the approval is conditioned upon the assignee's execution of the applicable financing statements (*i.e.* the UCC-1 Forms)

and payment of all costs associated with the preparation and recordation of the financing statements, on or before the consummation date. Also, the assignee will provide the Commission with its most current filed charter documents and applicable organization identification number on or before the consummation date. Where applicable, the Bureau will send the assignor listed herein the appropriate loan documents and financing statements upon notification of the proposed consummation date. Upon receipt of the written notification of consummation, and satisfaction of all requisite conditions, including execution of the appropriate documents, the Bureau will consider the assignment "complete" and will issue the licenses to the assignee.

Failure of the parties to notify the Commission in writing that the transaction has been consummated, or any specific condition described above, will result in automatic cancellation of the Commission's assignment approval, and dismissal of the underlying assignment applications.

To notify the Bureau of the proposed consummation date and to request loan documents and financing statements, contact Rita Cookmeyer or Yolanda Lee at (202) 418-0660. Requests for loan documents and financing statements should be made at least 10 days prior to consummation.

This Public Notice is issued by the Chief, Wireless Telecommunications Bureau.

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